

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | 1746.01 |
| COMPLAINT INVESTIGATOR: | Susan Miner |
| DATE OF COMPLAINT: | May 4, 2001 |
| DATE OF REPORT: | June 1, 2001 |
| REQUEST FOR RECONSIDERATION: | no |
| DATE OF CLOSURE: | June 28, 2001 |

COMPLAINT ISSUES:

Whether the Evansville-Vanderburgh School Corporation and the Evansville-Vanderburgh-Posey Special Education Cooperative violated:

- 511 IAC 7-28-3(b) and 511 IAC 7-27-6(a)(9) with regard to the school's alleged failure to include in the student's individualized education program (IEP) a statement of needed transition services that guides the development of the special education and related services and the student's course of study, goals, benchmarks, and short-term objectives.

FINDINGS OF FACT:

1. The student is 21 years of age, is eligible for special education and related services as a student with a hearing impairment and emotional disability, and has been served in an out-of-state residential facility for over 10 years.
2. Each Case Conference Committee Summary and IEP reviewed, dating back to August of 1995, included an ITP that indicated the student would need ongoing adult services that would include skill development in daily living skills, pursuit of group home living arrangements, and supported employment.
3. The parents signed permission to refer the student to Vocational Rehabilitation in Indiana at the case conference committee meeting held on August 28, 1995. The student was receiving educational services at a residential facility in Alabama at that time.
4. Vocational Rehabilitation in Alabama completed an evaluation of the student on April 17, 1996. The vocational rehabilitation services he received at the completion of that evaluation failed due to behavior issues with the student.
5. Vocational Rehabilitation in Alabama completed a second evaluation of the student on July 29, 1996. The vocational rehabilitation services he received at the completion of that evaluation also failed due to behavior issues with the student.
6. In June 2000, the school referred the student to Southwestern Indiana Mental Health Association in an attempt to secure an evaluation and placement at a state hospital.
7. In August 2000, the school discussed a referral to another mental health facility in Indianapolis.
8. In September 2000, the school requested an evaluation of the student's mental state with the assistance of the Alabama Institute for the Deaf and Blind. The school also made an appointment

for the complainants with Legal Aid to discuss guardianship issues and also made a written request to the Bureau of Developmental Disabilities to have the case reopened.

9. In November 2000, the school sent information to the Bureau of Developmental Disabilities. The school attempted to schedule a meeting with representatives of both the Bureau of Developmental Disabilities and Department of Mental Health.
10. In February 2001, the school sent more information to the Bureau of Developmental Disabilities.
11. In April 2001, the school arranged for an evaluation by the Bureau of Developmental Disabilities and provided transportation to ensure the student was available for the evaluation at the local office in Evansville.
12. In May 2001, the school notified the local representative from Vocational Rehabilitation about a case conference committee meeting to plan for the student's return to Indiana from Alabama and also requested a written report from the psychiatrist who has treated the student while residing in Alabama.
13. Dates are still pending for the student to return to Indiana for further evaluation and to explore group home options.

CONCLUSION:

Findings of Fact #2 and #3 indicate that the school initiated transition services as required and documented them in an ITP as part of the IEP. Findings of Fact #4 and #5 indicate that the student received services through Vocational Rehabilitation in Alabama. Findings of Fact #6, #7, #8, #9, #10, #11, #12, and #13 indicate that the school has attempted multiple times to transition this student into adult services in Indiana. Therefore, no violation of 511 IAC 7-28-3(c) or 511 IAC 7-27-6 (a)(9) is found.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusion listed above.

DATE REPORT COMPLETED: June 1, 2001